

House File 254

S-3238

1 Amend House File 254, as passed by the House, as  
2 follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <Section 1. Section 8D.9, subsection 2, Code 2011,  
6 is amended to read as follows:

7 2. a. A private or public agency, other than  
8 a private college or university or a nonpublic  
9 school, which certifies to the commission pursuant to  
10 subsection 1 that the agency is a part of or intends  
11 to become a part of the network shall use the network  
12 for all video, data, and voice requirements of the  
13 agency unless the private or public agency petitions  
14 the commission for a waiver and one of the following  
15 applies:

16 (1) The costs to the authorized user for services  
17 provided on the network are not competitive with the  
18 same services provided by another provider.

19 (2) The authorized user is under contract with  
20 another provider for such services, provided the  
21 contract was entered into prior to April 1, 1994. The  
22 agency shall use the network for video, data, and voice  
23 requirements which are not provided pursuant to such  
24 contract.

25 (3) The authorized user has entered into an  
26 agreement with the commission to become part of the  
27 network prior to June 1, 1994, which does not provide  
28 for use of the network for all video, data, and voice  
29 requirements of the agency. The commission may enter  
30 into an agreement described in this subparagraph upon  
31 a determination that the use of the network for all  
32 video, data, and voice requirements of the agency would  
33 not be in the best interests of the agency.

34 b. A private or public agency, other than a private  
35 college or university or a nonpublic school, shall  
36 petition the commission for a waiver of the requirement  
37 to use the network as provided in paragraph "a", if the  
38 agency determines that paragraph "a", subparagraph (1)  
39 or (2) applies. The commission shall establish by rule  
40 a review process for determining, upon application of  
41 an authorized user, whether paragraph "a", subparagraph  
42 (1) or (2) applies. An authorized user found by the  
43 commission to be under contract for such services as  
44 provided in paragraph "a", subparagraph (2), shall not  
45 enter into another contract upon the expiration of  
46 such contract, but shall utilize the network for such  
47 services as provided in this section unless paragraph  
48 "a", subparagraph (1), applies. A waiver approved by  
49 the commission may be for a period as requested by the  
50 private or public agency of up to three years.

1     c. A private college or university or a nonpublic  
2 school which certifies to the commission pursuant to  
3 subsection 1 that the private college, university, or  
4 nonpublic school is a part of or intends to become  
5 a part of the network may use the network for its  
6 video, data, or voice requirements as determined by the  
7 private college or university or nonpublic school.>  
8     2. Title page, by striking lines 1 and 2 and  
9 inserting <An Act modifying provisions relating to  
10 utilization of the Iowa communications network.>

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MATT McCOY

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